

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 5:24-cv-01369-JWH-PD Date: November 27, 2024

Title *Percy Davis v. County of Los Angeles, et. al.*

Present: The Honorable: Patricia Donahue, United States Magistrate Judge

Isabel Verduzco
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

N/A

N/A

**Proceedings (In Chambers): Order to Show Cause Why This Action
Should Not Be Dismissed For Failure to
File a First Amended Complaint by the
Deadline**

On June 26, 2024, Plaintiff Percy Davis (“Plaintiff”) filed a Complaint for civil rights violations under 42 U.S.C. § 1983 against Defendants the County of Los Angeles, Los Angeles County Sheriff’s Department (“LACSD”) and Does1 through 100 for violation of his rights under the Fourth and Fourteenth Amendments while he was confined as a pre-trial detainee at the Men’s Central Jail (“MCJ”). [Dkt. No. 1 at 1.] He alleges that he was subjected to an unreasonable and unnecessary intrusive visual body cavity search and body scan. [Id.] Plaintiff alleges mental and emotional distress and seeks compensatory damages.

On October 16, 2024, the Court screened the Complaint pursuant to 28 U.S.C. § 1915A(a)-(b)(1) and dismissed it with leave to amend for: (1) failing to adhere to Rule 8 of the Federal Rules of Civil Procedure; (2) failing to state a Section 1983 claim against Defendants County of Los Angeles and LACSD; and (3) failing to state an unreasonable search claim under the Fourth Amendment. [Dkt. No. 13.] The Order granted Plaintiff leave to file a First Amended Complaint by November 13, 2024. [Id.]

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The deadline for filing Plaintiff's First Amended Complaint has passed, and Plaintiff has neither filed his First Amended Complaint nor communicated with the Court about his case since October 23, 2024. [Dkt. No. 15.]

Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, an action may be subject to involuntary dismissal if a plaintiff "fails to prosecute or to comply with these rules or a court order." Accordingly, the Court could properly recommend dismissal of the action for Plaintiff's failure to timely comply with the Court's October 16, 2024 Order.

However, in the interests of justice, **Plaintiff is ORDERED TO SHOW CAUSE on or before January 3, 2025**, why the Court should not recommend that this action be dismissed for failure to prosecute.

Plaintiff may discharge this Order by filing:

(1) a request setting forth good cause for an extension of time to file a First Amended Complaint and a declaration signed under penalty of perjury, explaining why he failed to comply with the Court's October 16, 2024 Order; or

(2) a First Amended Complaint. Plaintiff is again advised that a First Amended Complaint would entirely replace the Complaint in this action.

Any amended complaint must:

- (a) be labeled "First Amended Complaint";
- (b) be complete in and of itself and not refer in any manner to prior complaints, i.e., it must include all of the claims on which Plaintiff seeks to proceed, Local Rule 15-2;
- (c) contain a "short plain" statement of the claim(s) for relief, *see* Fed. R. Civ. P. 8(a);
- (d) make each allegation "simple, concise and direct," Fed. R. Civ. P. 8(d)(1);
- (e) make allegations in numbered paragraphs, "each limited as far as practicable to a single set of circumstances," Fed. R. Civ. P. 10(b);

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(f) name all Defendants in the caption of the FAC. *See* Fed. R. Civ. P. 10(a); Local Rule 11–3.8(d);

(g) set forth clearly the sequence of events (including specific relevant dates) which allegedly gives rise to the claim(s) for relief, including what each defendant did and how each specific defendant’s conduct injured plaintiff; and

(h) not add defendants or claims without leave of court.

Plaintiff is advised that failure to timely comply with this Order may result in the dismissal of this case pursuant to Fed. R. Civ. P. 41(b) and Local Rule 41-1.

IT IS SO ORDERED.

Attachments:

- Central District of California Civil Rights Complaint Form (CV-66)
- Notice of Voluntary Dismissal (CV-09)